IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO. 9576 OF 2003

Shri Jijaba Vitthal Gadhve ... Petitioner

Versus

Maratha Samaj, Maratha Mandir

Nashik & Ors. ... Respondents

Mr. P.N.Joshi, Advocate, for the petitioner.

Mr. S.S.Salunke, Advocate, i/b. Mr. P.B.Shah, Advocate for Respondents Nos. 2 to 5.

Respondent No.1 is served.

CORAM: J.H.BHATIA,J.

DATE : 20th September, 2007.

P.C.

1. Heard learned Counsel for the parties.

2. The petitioner is the original plaintiff. He filed Regular Civil Suit No.850 of 2000 for declaration

of title and possession of the two plots of land situated within the area of Municipal Corporation Nashik. He also sought demolition of the structure on the said plots as he claimed title only on parts. For the purpose of Court fees and valuation, the suit property was valued at Rs.52,000/- and accordingly the Court fees was paid. A preliminary objection was taken about the pecuniary jurisdiction of the Civil Judge, Junior Division, the valuation and the Court fees paid. The learned Civil Judge appointed District Registrar, Valuation and Stamp, Nashik, for making valuation of the suit property. As per the prevailing market value, in the year 1998, the District Registrar valued the suit property at Rs.21,48,300/-. In view of this valuation, the learned Civil Judge directed the plaintiff to amend the valuation and to pay Court fees accordingly. This order was challenged in the present petition.

3. The suit property contains two plots of land, one of which is 438 sq.meters The plots are situated in the City of Nashik. If the valuation made by the plaintiff is accepted, it means the value of the land may be just about Rs.120/- per sq. meter which is ridiculously low. It is impossible to believe that valuation made by the plaintiff is correct. The learned trial Court got the property valued through the District Registrar, Valuation and Stamp, Nashik, who is the

competent officer and, therefore, I find no justification to interfere in the said valuation and the direction given by the trial Court. As such, there is no substance in the present Petition.

4. In the result, the petition stands dismissed. The petitioner has already deposited by way of Demand Draft an amount of Rs.40,000/- towards the approximate Court fees. The petitioner may withdraw that amount and shall deposit the Court fees within six weeks from this date before the trial Court.

(J.H.BHATIA,J.)